IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

Crl.MC.No. 4035 of 2006()

SC.1425/2003 of II ADDL.SESSIONS COURT, KOLLAM

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PETITIONER: IST ACCUSED

RAJU @ AYYAPPAN,
S/O.PONNAYYA THEVAR, DOOR NO.31,
POOCHUVALLI VILLAGE, POOCHUVALLI CHERI,
USILAMPETTY, MADURAI DISTRICT, TAMIL NADU.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR
SRI.DILEEP P.PILLAI
SMT.LAKSHMI.N.KAIMAL
SRI.T.K.SUJITH

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.4035 of 2006

Dated this the 14th day of December 2006

O R D E R

The petitioner faces indictment in a prosecution under Section 20 (b) (i) of NDPS Act. S.C.1425/03 is pending against them before the Second Additional Sessions Judge, Kollam. The petitioner was not available to be proceeded with and in these circumstances coercive processes including notice under Section 82 have been issued against the petitioner.

2. The petitioner has now come to this court with this petition under Section 482 Cr.P.C complaining that he never was served with any information about the pendency of the case against him. It is, in these circumstances that he could not appear before the learned Sessions Judge. The petitioner is willing to appear before the learned Sessions Judge but apprehends that the learned Sessions Judge may not consider his application for bail on merits favourably and expeditiously. In these circumstances, it is prayed that directions may be issued to the learned Sessions Judge to release the petitioner on bail when he surrenders before the learned Judge.

3. It is for the petitioner to appear before the learned Judge and explain to the learned Judge the circumstances under which he

could not earlier appear before the learned Judge. I find no reason to assume that learned Judge would not consider his application for bail on merits in accordance with law and expeditiously. Every court must do the same. No special or specific directions appears to be necessary. Sufficient General directions have been issued in Alice George vs.Deputy Superintendent of Police [2003(1)KLT 339].

4. In the result, this Crl.M.C is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the learned Public Prosecutor in charge of the case, the learned Judge must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself unless there are compelling reasons.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006